

***Attorney's Docket No. TN320
Amendment***

***Serial No. 10/759,466
13 August 2007***

REMARKS

Claims 1-21 are pending in the instant application; claims 12-13 and 15-17 are withdrawn. Claims 1, 3-5, 7, 14, and 18 are objected to for particular informalities. Claims 3-5, 7-8, 10, and 19 stand rejected under 35 U.S.C. 112, second paragraph. Claim 14 stands rejected under 35 U.S.C. 101. Claims 18-21 stand rejected as being anticipated under 35 U.S.C. 102(b) by Tan (US 6,356,902). Claims 1-11 and 14 stand rejected under 35 U.S.C. 103 as being unpatentable over Tan et al. (US 6,356,902) in view of Kothuri et al. (US 6,505,205). Claims have been amended and allowance of all pending claims is requested.

Rejections Under 35 U.S.C. 112, second paragraph

In paragraph 4 on page 3 of the February 20, 2007 Office Action, the Examiner asserts that Claims 1, 3-5, 7, 14, and 18 are objected to for particular informalities. The Examiner also asserts that claims 3-5, 7-8, 10, and 19 stand rejected under 35 U.S.C. 112, second paragraph in paragraph 6 on pgs. 6-7 of the Office Action. Modification has also been made to these claims to overcome inconsistencies in the claim language itself in the above amendment, thus it is believed that the rejection based in Section 112 is also overcome.

Double Patenting Rejection

In paragraph 3 on pp. 2-3 of the Office Action, the Examiner asserts a provisional double patenting rejection of the claims of this application and a concurrently pending and commonly assigned U.S. Patent Application Serial No. 10/958,830. The Applicant respectfully prepare and file a terminal disclaimer in either case once the claims in the other case have issued and the allowable subject matter of the instant case has been identified.

Rejections Under 35 U.S.C. 101

In paragraph 5 on pages 4-5 of the February 20, 2007 Office Action, the Examiner asserts that claim 14 stand rejected under 35 U.S.C. 101. The Examiner rejected the above claims asserting that the preamble of these computer data project claims do not properly recite a statutory invention under 35 U.S.C. 101. The Applicant has amended the preamble language in order to obviate this rejection. As such, reconsideration is respectfully requested.

Rejections Under 35 U.S.C. 103

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Claims 18-21 stand rejected as being anticipated under 35 U.S.C. 102(b) by Tan (US 6,356,902). Claims 1-11 and 14 stand rejected under 35 U.S.C. 103 as being unpatentable over Tan et al. (US 6,356,902) in view of Kothuri et al. (US 6,505,205). In response, the Applicant has amended independent claims 1, 12, 14-15, and 18 to explicitly define the interlocking trees data store. None of the prior art of record teaches or suggests a data store as recited within the claims. As such, independent claims 1, 12, 14-15, and 18 are not believed to be patentable over the prior art of record.

Similarly, dependent claims 2-11, 13, 16-17, and 19-21, which depended from one of the above independent claims and add further limitations that also distinguish the claimed inventions from the prior art of record, are patentable for at least the reasoning stated above. Therefore, the Applicant respectfully maintains that the application is now in condition for allowance.

CONCLUSION

Based on all these considerations and amendment, the applicant respectfully requests reconsideration and allowance of the claims. If any issues remain that preclude issuance of this application, the Examiner is again urged to contact the undersigned attorney.

Respectfully Submitted,


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